
Public Utilities Commission of the State of California

Public Agenda 3132

Thursday, April 22, 2004 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Thursday, April 29, 2004 (San Francisco at 9:30 AM) (Will Be Held)	Thursday, April 22, 2004 (San Francisco)
Monday, May 03, 2004 (San Francisco)	Thursday, May 06, 2004 (San Francisco)
Monday, May 24, 2004 (San Francisco)	Thursday, May 27, 2004 (San Francisco)
Monday, June 07, 2004 (San Francisco)	Wednesday, June 09, 2004 (San Francisco)
Friday, July 02, 2004 (San Francisco)	Thursday, July 08, 2004 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 36a, 36

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1 Res TL - 19041

[3271] Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170236

2 Res ALJ 176-3132

[3272] Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

3 R03-09-006 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and rules governing utility construction contracting process.

[3277]

This decision grants Petition to Modify R03-09-006 and motions that seek to change the named respondents to this proceeding. It also grants motion for confidentiality filed by several utilities. (Comr Lynch - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3131, Item 1 4/1/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171315

Consent Agenda - Orders and Resolutions (continued)

4 **Res W-4462 - California Water Service Company (CWSC), Salinas and Bakersfield**
Districts.

[3287]

This resolution authorizes CWSC's acquisition of three water companies and rates for two of them, authorizing surcharges in the Salinas District to recover undercollections in purchased power balancing account producing additional annual revenues of \$394,707 or 5.1% for the Salinas District, and granting withdrawal of Advice Letter 1542. (Advice Letter (AL) 1514 and AL 1515, filed May 7, 2002; AL 1517, filed June 26, 2002; AL 1532, filed January 2, 2003; and AL 1542, filed March 17, 2003)

Agenda 3130, Item 12 3/16/2004 (Staff);

Agenda 3131, Item 5 4/1/2004 (Lynch)

5 **A01-09-012 - City of San Diego.**

[3332]

For an order authorizing modification of an existing at-grade crossing on three light rail vehicle tracks and one heavy rail track of the Metropolitan Transit Development Board, and one heavy rail track of the Burlington Northern and Santa Fe Railway Company, at Park Boulevard, in the City of San Diego, San Diego County, California. This decision corrects two errors in D03-12-018. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171203

6 **C89-10-054 - Utility Design, Inc. and Utility Contractors, Inc. vs. Pacific Gas and Electric**
Company.

[3338]

This decision closes this proceeding since the parties indicate no further interest in litigating this case.

(Comr Brown - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171189

7 **A03-01-034 - California Water Service Company (CWS).**

[3339]

A03-01-035, A03-01-036, A03-01-037 - Related matters. This decision approves general rate increases (decreases) for four CWS districts: Palos Verdes (test year (TY) 2003, 5.04%; TY 2004, 0.39%; attrition year (AY) 2005, 0.4%; AY 2006, 0.4%); Oroville (TY 2003, -6.12%; TY 2004, 2.07%; AY 2005, 1.7%; AY 2006, 1.7%); Selma (TY 2003, 0.28%; TY 2004, 1.15%; AY 2005, 0.8%; AY 2006, 0.8%); Dominguez (TY 2003, 9.09%; TY 2004, 0.75%; AY 2005, 0.7%; AY 2006, 0.7%).

(Comr Brown - ALJ Thorson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**8**

[3340]

A03-03-029 - San Diego Gas & Electric Company (SDG&E).

This decision approves contested partial settlement agreement in SDG&E 2003 electric Rate Design Window. SDG&E will allocate its 2004 electric cost of service distribution revenue requirement based on EPMC methodology, using caps and floors designed to moderate rate changes. SDG&E's residential rates must conform to the Commission's D04-02-057 interpretation of Assembly Bill 1X.

This proceeding is closed.

(Comr Peevey - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171052

9

[3342]

A02-05-022 - Pacific Gas and Electric Company (PG&E).

This decision exempts PG&E from filing a test year 2005 cost of capital application, but gives a deadline of no later than June 15, 2004 for PG&E to file its post-bankruptcy cost of capital application. This proceeding is closed.

(Comr Brown, Comr Peevey - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170563

10

[3359]

A03-08-016 - WorldCom, Inc.

For exemption from the requirements of Sections 851 and 854 of the Public Utilities Code with respect to its bankruptcy reorganizations. This decision denies the request of Greenlining Institute and the Latino Issues Forum (Greenlining) for an award of \$56,278.72 in intervenor compensation in connection with D03-11-015 on the ground that Greenlining did not timely file its notice of intent to seek intervenor compensation and did not make a substantial contribution to the Commission's decision. This proceeding is closed.

(Comr Peevey - ALJ Thomas)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168829

Consent Agenda - Orders and Resolutions (continued)

11 **R03-03-017 - Order Instituting Rulemaking on the Commission's own motion to re-examine**
[3385] **the underlying issues involved in the submetering discount for mobile home parks and to**
stay D01-08-040.

I03-03-018, C00-01-017 - Related matters. This interim decision adopts the unopposed joint recommendation of seven of the parties. The joint recommendation identifies the categories of costs the electric and natural gas utilities incur when directly serving mobile home park (MHP) tenants that are avoided by the utilities when the MHP is served through a distribution system owned by the MHP owner (sub-metered MHP). These categories of costs are to be used in determining the amount of the discount provided by the utility to the sub-metered MHP owner as reimbursement for the cost of providing sub-metered service. The joint recommendation also identifies categories of costs that are either not incurred by the utility when it directly serves MHP tenants, or are not reflected in utility rates for direct service, but are incurred by sub-metered MHP owners, and may be separately charged to tenants if not otherwise prohibited.

(Comr Brown - ALJ O'Donnell)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=162466

12 **A04-01-003 - Lightyear Communications, Inc., Lightyear Telecommunications LLC, and**
[3386] **Lightyear Network Solutions, LLC. (Applicants).**

This decision authorizes Applicants pursuant to Pub. Util. Code § 851 to enter into transactions to allow Lightyear Communications, Inc. and Lightyear Telecommunications LLC to emerge from bankruptcy. This proceeding is closed.

(Comr Brown - ALJ Thomas)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168519

13 **A03-11-001 - City of San Leandro.**

[3402] This decision authorizes the City of San Leandro to change the status of the at-grade highway rail crossing at Hudson Lane over the tracks of the Union Pacific Railroad Company from private to public. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168445

Consent Agenda - Orders and Resolutions (continued)

- 14**
[3403] **A02-11-017 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision grants request to delay filing of testimony on marginal costs, revenue, allocation, and rate design.
(Comr Peevey - ALJ Halligan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169245
- 15**
[3407] **A03-11-010 - Direct Telephone Company, Inc. (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 16**
[3413] **A03-12-003 - Daniel Romero dba Tres Estrellas De Oro and Jose Guzman dba Astro Bus Lines, Inc.**
This decision authorizes Daniel Romero to transfer his passenger stage corporation certificate to Astro Bus Lines, Inc. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170184
- 17**
[3414] **A04-02-004 - Igor Skoro and Balbir S. Rana.**
This decision authorizes Igor Skoro to transfer his passenger stage corporation certificate to Balbir S. Rana. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170189
- 18**
[3416] **A04-02-015 - Balwinder S. Patrola and Gurpreet Kaur.**
This decision authorizes Balwinder S. Patrola to transfer his passenger stage corporation certificate to Gurpreet Kaur. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170187

Consent Agenda - Orders and Resolutions (continued)

- 19**
[3417] **A04-02-012 - Suburban Water Systems (Suburban).**
This decision authorizes Suburban to issue \$15 million Series D First Mortgage Bonds. The debt issue is exempted from the Competitive Bidding Rule. This proceeding is closed.
(Exam Jackson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=167367
- 20**
[3418] **R01-05-047 - Order Instituting Rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised.**
This decision modifies D04-02-057 to exempt PacifiCorp from the provisions of that order regarding the treatment of seasonal residences in the baseline program. This proceeding is closed.
(Comr Brown - ALJ TerKeurst)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171210
- 21**
[3422] **(ECP) C03-06-004 - Nancy Cross vs. Comcast Phone of California, LLC.**
Nancy Cross no longer resides in Comcast's service area, but requests that she be reinstated as a customer in good standing if she returns to Comcast's service area. The Commission concludes that Comcast's tariff rule for reestablishment of credit should apply, the same as for other customers. The complaint is dismissed and the proceeding is closed.
(Comr Brown - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168634
- 22**
[3423] **C02-07-044 - The Utility Consumers' Action Network vs. Pacific Bell Telephone Company, AOL-Time Warner, Inc., Does 1-100.**
Because of settlement proceedings, the statutory deadline in this case is extended to December 31, 2004, pursuant to Pub. Util. Code § 1701.2(d).
(Comr Brown - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170175

Consent Agenda - Orders and Resolutions (continued)

- 23** **A03-09-014 - Verizon California Inc. (Verizon).**
[3427] This decision grants Verizon's request of a proposed agreement with Humboldt Bancorp (Humboldt) whereby office space that is no longer needed for Verizon's operations would be subleased to Humboldt. This proceeding is closed.
 (Comr Lynch - ALJ O'Donnell)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168231
- 24** **A03-12-015 - Pacific Gas and Electric Company (PG&E).**
[3429] Pursuant to Pub. Util. Code § 851, PG&E is authorized to grant water rights easements to seven private property owners in Shasta County for the purpose of installing domestic water wells. This proceeding is closed.
 (Comr Kennedy - ALJ Koss)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169078
- 25** **A03-12-019 - Great American Stageline, Inc. and Santa Barbara Airbus, Inc.**
[3434] This decision authorizes Great American Stageline, Inc. to transfer its passenger stage corporation certificate to Santa Barbara Airbus, Inc. This proceeding is closed.
 (Exam Clark)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170349
- 26** **A04-01-030 - South and East Airporter, Inc. (Applicant).**
[3435] This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, San Mateo, and Santa Clara Counties, on the one hand and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
 (Exam Clark)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170355

Consent Agenda - Orders and Resolutions (continued)

- 27**
[3436] **A04-01-038 - Karine Osmanyman, dba Best Way Transportation Service. (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation between points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, on the one hand, and Los Angeles International, Burbank, John Wayne, Long Beach, and Ontario International Airports, Los Angeles Amtrak Station, and Ports O'Call Village, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170353
- 28**
[3439] **Res W-4466 - Lewiston Valley Water Company, Inc. (LVW) - Sewer Service.**
This resolution authorizes LVW - Sewer Service an interim increase in rates, subject to refund, producing additional annual revenues of \$12,100 or 122% for test year 2004.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169114
- 29**
[3441] **A98-07-006 - San Diego Gas and Electric Company.**
In the matter of the Revenue Adjustment Proceeding. A98-07-003, A98-07-026 - Related matters. This decision dismisses Petition for Modification at the request of Petitioner, Southern California Edison Company. A98-07-003 remains open. A98-07-006 and A98-07-026 are closed.
(Comr Wood - ALJ Barnett)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169116
- 30**
[3445] **Res W-4467**
This resolution establishes reserve subaccounts for purchased water, purchased power, pump tax and memorandum accounts for employee labor, payroll taxes, contract labor, and unanticipated repair costs.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168944
- 31**
[3446] **Res E-3865 - Pacific Gas and Electric Company (PG&E).**
This resolution approves a refund plan for PG&E to return an over-collection of revenue to electric customers through a bill credit, as required by D04-02-062. (Advice Letter 2488-E, filed April 1, 2004.)

Consent Agenda - Orders and Resolutions (continued)

- 32** **A03-12-017 - San Francisco Bay Area Rapid Transit (BART).**
[3449] This decision grants BART's request to construct the Oakland Airport Connector elevated Automated Guideway Transit system above the tracks of BART and the Union Pacific Railroad Oakland and Niles Subdivision lines in the City of Oakland in Alameda County. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168311
- 33** **A03-12-004 - China Telecom (USA) Corporation (Applicant).**
[3456] This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168295
- 34** **A04-03-019 - Focal Communications Corporation (Focal) and Corvis Corporation (Corvis).**
[3457] This decision grants the unopposed application of Focal and Corvis for approval of the indirect transfer of Focal, including Focal Communications Corporation of California, to Corvis, pursuant to Pub. Util. Code §§ 852 and 854.
This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170147
- 35** **(ECP) C04-01-019 - Luis Fernando Amar vs. Pacific Bell Telephone Company (SBC California).**
[3458] Luis Fernando Amar contends that he should not be held responsible for charges for certain calls made on his telephone service, but he did not request SBC California to disconnect the service until six weeks after he moved out of his apartment.
The complaint is denied and the proceeding is closed.
(Comr Wood - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169329

Regular Agenda

Regular Agenda - Energy Orders

36

[3003]

I01-08-029 - Order Instituting Investigation into Southern California Edison Company's electric line construction, operation, and maintenance practices. Southern California Edison Company (Edison), Respondent.

This decision fines Edison a total of \$576,000, primarily for 25 violations of the Commission's General Order (GO) 95 and GO 128 specifying the requirements for the construction, operation, and maintenance of overhead and underground utility systems. The decision fines Edison \$20,000 for each of these 25 violations that have a nexus with an accident involving death, injury, or property damage. It also fines Edison \$1,000 for each of 56 violations of GO 165 for failure to identify unsafe conditions and \$20,000 for one violation for exceeding GO 165's inspection intervals. This decision also grants the intervention of the California Cable and Telecommunications Association (CCTA), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E). It also considers and rejects the appeals to the presiding officer's decision of Edison, the Commission's Consumer Protection and Safety Division, CCTA, P&GE, and SDG&E. This proceeding is closed.

(Comr Kennedy - ALJ Econome)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3124, Item 47 12/4/2003 (Kennedy);

Agenda 3127, Item 22 1/22/2004 (Kennedy);

Agenda 3128, Item 31 2/11/2004 (Peevey);

Agenda 3129, Item 20 2/26/2004 (Peevey);

Agenda 3130, Item 37 3/16/2004 (Brown);

Agenda 3131, Item 26 4/1/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170878

Regular Agenda - Energy Orders (continued)

36a

[3411]

ALTERNATE TO ITEM 3003**PROPOSED ORDER OF COMMISSIONER KENNEDY DIFFERENT FROM PRESIDING**

OFFICER'S DECISION - This decision fines Edison a total of \$676,000 primarily for 30 violations of GOs 95 and 128 in which the record establishes that Edison either knew or should have known of the violation. It also fines Edison \$1,000 for each of 56 violations of GO 165 for Edison's failure to identify unsafe conditions, and \$20,000 for exceeding GO 165's inspection intervals. This decision does not fine Edison for 4,721 observed violations of the GOs that Edison remedied promptly once the Commission's Consumer Protection and Safety Division (CPSD) brought the violations to Edison's attention. The decision differs from the POD in two major respects. It bases Edison's liability under GOs 95 and 128 on its failure to correct violations of which it had either actual or constructive knowledge. The POD bases Edison's liability under those GOs on the finding of a "nexus" between violations and personal injuries or deaths. Second, the decision authorizes CPSD to issue notices to a utility with a direction to cure an observed violation within a reasonable time. If the utility cures the violation within the stated time period, it will be not fined for the violation. The POD treats all violations as automatically triggering fines that the Commission may, in its discretion, choose to suspend.

(Comr Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170352**37**

[3268]

A02-05-004 - Southern California Edison Company (SCE).

I02-06-002 - Related matters. SCE's test year revenue requirement is established, a late payment charge and adjustments to other service charges are approved, a post-test year ratemaking mechanism is approved, 1997-98 capital additions are approved, and proposals for performance incentives are denied.

(Comr Wood - ALJ Wetzell)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.**This matter may be considered during the Ratesetting Deliberative Meeting.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3130, Item 41 3/16/2004 (Wood);

Agenda 3131, Item 29 4/1/2004 (Kennedy)

Regular Agenda - Energy Orders (continued)

37a

[3269]

ALTERNATE TO ITEM 3268

This alternate differs from the Proposed Decision in 3 ways, none of which affect the revenue requirement:

1. It modifies Section 5.5 Service Guarantees to adopt ORA's proposed 8-part service standard.
2. It modifies Section 6.2.7 Employee Compensation Issues to point out weaknesses in the current Total Compensation Study methodology, order SCE to develop a new study for the next GRC, and adopt Greenlining's proposal to require SCE to annually report to the Commission on total compensation to its ten most highly-compensated employees.
3. It modifies Section 13.2 The Case for Performance Incentives. CCUE had proposed benchmarks and incentives. SCE and CCUE then reached a settlement adopting modified benchmarks and incentives. The PD rejects both, stating that incentives are inconsistent with Cost of Service ratemaking. The alternate adopts CCUE's proposal.

There are changed Findings, Conclusions and Ordering Paragraphs to match these text changes. In all other respects, the drafts are the same.

(Comr Wood)

Agenda 3130, Item 41a 3/16/2004 (Wood);

Agenda 3131, Item 29a 4/1/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=166832

38

[3278]

A03-10-022 - Southern California Edison Company (SCE).

This decision adopts the 2004 revenue requirement and related estimates under SCE's Energy Resource Recovery Account (ERRA), resulting in a 2.59% increase in the system average ERRA generation rate and a 159.51% decrease in the system average ERRA delivery rate.

(Comr Peevey - ALJ Fukutome)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3131, Item 30 4/1/2004 (Wood)

39

[3313]

I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.

This decision provides that a collaborative study group, coordinated by the California Independent System Operator and Commission staff, develop a transmission development plan for the Tehachapi area based on the magnitude of the identified wind resource.

(Comr Lynch - ALJ TerKeurst)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3131, Item 32 4/1/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170828

Regular Agenda - Energy Orders (continued)

- 40** **A03-10-044 - Pacific Gas and Electric Company (PG&E).**
[3326] The proposed sale of PG&E's Kern Facility to North American Power Group is barred by Public Utilities Code Section 377. The application is denied. This proceeding is closed.
(Comr Peevey - ALJ Allen)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170993
- 41** **A03-07-027 - Southern California Edison Company (SCE).**
[3365] This decision approves a settlement resolving litigation between SCE and a qualifying facility, Salton Sea Power Generation L.P. et al. This proceeding is closed.
(Comr Brown - ALJ Malcolm)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3131, Item 23 4/1/2004 (Wood)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170821
- 42** **A99-03-039 - Pacific Gas and Electric Company (PG&E).**
[3366] This decision concludes the reasonableness review of PG&E's Safety and Reliability Enhancement Funds Balancing Account. It allows PG&E to recover a portion of the charges as provided by Pub. Util. Code §368(e). This proceeding is closed.
(Comr Kennedy - ALJ Long)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171272
- 43** **I _____ - Order Instituting Investigation into the proposal of Sound Energy Solutions, Inc. to construct and operate a liquefied natural gas terminal at the Port of Long Beach.**
[3384] The Commission opens this investigation to promote public safety and California's environmental welfare, consistent with state and federal law. The Commission orders Sound Energy Solutions, Inc. to file an application for a certificate of public convenience and necessity if it intends to pursue construction of the project.
Agenda 3131, Item 34 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171308

Regular Agenda - Energy Orders (continued)

44 **R _____ - Order Instituting Rulemaking to promote consistency in methodology and**
[3430] **input assumptions in Commission applications of short-run and long-run avoided costs,**
 including pricing for Qualifying Facilities.

This rulemaking will serve as the Commission's forum for developing a common methodology, consistent input assumptions and updating procedures for avoided costs across the Commission's various proceedings, and for adopting avoided cost calculations and forecasts that conform to those determinations. It is the forum for considering similarities as well as appropriate differences in methods and inputs for specific applications of avoided costs, including QF avoided cost pricing.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171135

45 **R _____ - Order Instituting Rulemaking to implement the California Renewables**
[3443] **Portfolio Standard Program.**

This rulemaking continues the implementation of SB 1078 (see Public Utilities Code Sections 399.11 through 399.15), which created the California Renewables Portfolio Standard Program, as described in D03-06-071.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171047

Regular Agenda - Energy Resolutions and Written Reports**46**

[3336]

Res G-3363 - Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SoCalGas), and San Diego Gas & Electric Company (SDG&E).

This resolution approves, with modifications, PG&E's, SoCalGas' and SDG&E's filings for revisions to their tariffs to comply with D03-10-087 regarding accounting and ratemaking treatment of the El Paso Settlement proceeds. (PG&E Advice Letter (AL) 2502-G, AL 2503-G, and AL 2504-G, filed December 3, 2003); SoCalGas AL 3318, filed December 3, 2003; SDG&E AL 1541-E/1416-G, filed December 3, 2003)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170854

Regular Agenda - Telecommunication Orders

47

[2513]

R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.

The Commission adopts General Order No. ###, Rules Governing Telecommunications Consumer Protection, applicable to all Commission-regulated telecommunications utilities. G.O. ### sets forth: in Part 1, a telecommunications consumers' Bill of Rights; in Part 2, a set of Consumer Protection Rules all carriers must follow to protect those rights; in Part 3, Rules Governing Billing for Non-communications-Related Charges; and in Part 4, Rules Governing Slamming Complaints. The proceeding remains open to consider changes to the current limitation of liability provisions, rules protecting non-English speaking consumers, and a telecommunications consumer education program. (Comr Wood - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3119, Item 40 9/18/2003 (Staff);

Agenda 3120, Item 45 10/2/2003 (Brown);

Agenda 3122, Item 38 10/30/2003 (Brown);

Agenda 3124, Item 53 12/4/2003 (Wood);

Agenda 3125, Item 69 12/18/2003 (Peevey);

Agenda 3127, Item 32 1/22/2004 (Staff);

Agenda 3128, Item 40 2/11/2004 (Staff);

Agenda 3131, Item 38 4/1/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170815

48

[2976]

A01-02-012 - Verizon California Inc. (Verizon).

This decision grants Verizon authority to re-categorize its Business Billable Repair Service (BRS), Business Inside Wire Maintenance Service Plan (IWMP), and CentraNet IWMP from Category II to Category III service offerings. Verizon is also authorized to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision denies Verizon authority to re-categorize its Residential BRS, Residential IWMP, and Landlord IWMP from Category II to Category III. This proceeding is closed.

(Comr Wood - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3125, Item 72 12/18/2003 (Brown);

Agenda 3128, Item 42 2/11/2004 (Brown);

Agenda 3130, Item 46 3/16/2004 (Lynch);

Agenda 3131, Item 40 4/1/2004 (Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170813

Regular Agenda - Telecommunication Orders (continued)

48a

[3293]

ALTERNATE TO ITEM 2976

This decision grants Verizon authority to re-categorize its Residential, Landlord, Business, and CentraNet Inside Wire Maintenance Plans (IWMP), and Residential and Business Billable Repair Services (BRS) from Category II to Category III service offerings. Verizon is also authorized to increase its Residential and Landlord IWMP rates from \$0.95 to \$1.75, with rates capped at \$2.99 following the passage of one year, and Business and CentraNet IWMP from \$1.75 to \$2.50 and to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision requires a revision to Tariff A-9, sheet 19 such that when an SNI has not been installed Verizon "will not charge for a premise visit nor for identifying the location (inside wire, network or CPE) of a problem." The decision requires disclosures of and notices informing subscribers of their options, and denies Verizon Advice Letter 9167. This proceeding is closed.

(Comr Brown)

Agenda 3130, Item 46a 3/16/2004 (Lynch);

Agenda 3131, Item 40a 4/1/2004 (Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169431
49

[3105]

A00-02-039 - Metromedia Fiber Network Services, Inc. (MFNS).

This decision imposes a \$50,000 penalty on MFNS for commencing construction on a portion of its California fiber optic network in violation of Commission Rule 17.1 et seq., D97-06-107, and Instruction 4 to the "registration" form authorized in that decision. The decision finds MFNS was aware or should have been aware that its project had the potential to cause environmental impact. Before commencing construction, MFNS should have allowed the Commission the opportunity to conduct an environmental review of MFNS' plans. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3127, Item 35 1/22/2004 (Kennedy);

Agenda 3129, Item 32 2/26/2004 (Kennedy);

Agenda 3131, Item 41 4/1/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170820
49a

[3437]

ALTERNATE TO ITEM 3105

This decision imposes no penalty on MFNS for commencing construction on a portion of its California fiber optic network in technical violation of Commission Rule 17.1 et seq., D97-06-107, and Instruction 4 to the "registration" form. The decision finds MFNS disclosed the scope of the project to the Commission, relied on representations by Commission staff that no CEQA review was needed, and cooperated with Commission staff upon the determination that a CEQA analysis was indeed required. MFNS's actions produced no environmental harm. This proceeding is closed.

(Comr Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171233

Regular Agenda - Telecommunication Orders (continued)**50**
[3168] **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision adopts wholesale prices for Pacific Bell Telephone Company dba SBC California's Directory Assistance Listing Information Service, pursuant to D02-02-025.

(Comr Peevey - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3128, Item 44 2/11/2004 (Wood);

Agenda 3129, Item 33 2/26/2004 (Peevey);

Agenda 3131, Item 42 4/1/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170940

50a
[3454] **ALTERNATE TO ITEM 3168**

I95-04-044 - Related matters. This alternate decision adopts wholesale prices for Pacific Bell Telephone Company dba SBC California's Directory Assistance Listing Information Service, pursuant to D02-02-025. This alternate differs from ALJ decision in that it does not accept each of the joint parties' modifications.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170643

51
[3236] **A02-07-050 - SBC Pacific Bell Telephone Company (SBC California).**

This decision grants SBC California's motion to dismiss this application and closes the proceeding. This proceeding is closed with prejudice for a period of two years, during which time SBC California may not seek recategorization of its directory assistance services.

(Comr Lynch - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3130, Item 50 3/16/2004 (Staff);

Agenda 3131, Item 46 4/1/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171322

Regular Agenda - Telecommunication Resolutions and Reports

52

Res T-16763

[3261]

This resolution streamlines and clarifies filing rules for claiming carriers. Imposes deadlines for California Teleconnect Fund customers to provide certain information to providing carriers.

Agenda 3130, Item 52 3/16/2004 (Staff);

Agenda 3131, Item 48 4/1/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171235

Regular Agenda - Water/Sewer Orders**53**

[2368]

A02-11-057 - Point Arena Water Works, Inc.

For an order authorizing a rate increase in rates subject to refund producing additional annual revenues of \$70,137 or 56.9% for the test year 2002. This interim decision determines that 1995 tax refunds will not be included in the scope of this 2002 test year general rate case.

(Comr Wood - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3116, Item CA-16 7/10/2003 (Staff);

Agenda 3117, Item 5 8/21/2003 (Lynch);

Agenda 3118, Item 44 9/4/2003 (Lynch);

Agenda 3120, Item 48 10/2/2003 (Wood);

Agenda 3123, Item 45 11/13/2003 (Peevey);

Agenda 3125, Item 73 12/18/2003 (Wood);

Agenda 3128, Item 51 2/11/2004 (Staff);

Agenda 3129, Item 35 2/26/2004 (Staff);

Agenda 3130, Item 53 3/16/2004 (Staff);

Agenda 3131, Item 49 4/1/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170050

53a

[2768]

ALTERNATE TO ITEM 2368

This alternate grants the City of Point Arena an opportunity to have an evidentiary hearing regarding the accounting and ratemaking treatment of income tax refunds.

(Comr Lynch)

Agenda 3120, Item 48a 10/2/2003 (Wood);

Agenda 3123, Item 45a 11/13/2003 (Peevey);

Agenda 3125, Item 73a 12/18/2003 (Wood);

Agenda 3128, Item 51a 2/11/2004 (Staff);

Agenda 3129, Item 35a 2/26/2004 (Staff);

Agenda 3130, Item 53a 3/16/2004 (Staff);

Agenda 3131, Item 49a 4/1/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=156126

Regular Agenda - Water/Sewer Orders (continued)

54 A02-07-021 - Southern California Water Company (SCWC).

[3099]

In Interim Decision 03-05-001 on May 8, 2003, the Commission approved a settlement between the City of Santa Monica (City) and SCWC that conveyed SCWC water rights to the City and relieved SCWC from its participation in a number of pending lawsuits related to the Charnock Groundwater Basin. The issue of ratemaking treatment of the settlement proceeds and the issue of contamination payments made to SCWC by oil companies were deferred to this phase of the proceeding. This decision resolves those issues. The application is closed.

(Comr Kennedy - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3127, Item 42 1/22/2004 (Lynch);

Agenda 3129, Item 37 2/26/2004 (Lynch);

Agenda 3131, Item 50 4/1/2004 (Wood)

54a

[3459]

ALTERNATE TO ITEM 3099

This Alternate Decision directs the Southern California Water Company to refund to ratepayers the net proceeds received from the City for SCWC's Charnock Basin cause of action, to remove relevant Charnock Basin assets from rate base in its current general rate case for the region, Application (A.) 03-10-006, to transfer net proceeds received from Potentially Responsible Parties (PRPs) with respect to the Charnock Basin contamination from Account 704 (purchased water) to Account 704.02 (purchased water balancing account) for later refund to ratepayers of the excess shown in Account 704.02, and to book future net proceeds to be received from PRPs with respect to the Charnock Basin contamination to Account 704.02 for later refund to ratepayers of the excess shown in Account 704.02.

(Comr Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170651

55

[3213]

R03-09-005 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing general rate cases and to revise the general rate case plan for Class A water companies.

This decision adopts rate case plan filing schedule and content requirements. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=165439

Regular Agenda - Water/Sewer Orders (continued)

56 (Rev.) A02-09-030 - California-American Water Company (CalAm).

[3254]

A02-09-031, A02-09-032, A02-09-033 - Related matters. This decision grants CalAm test year 2003 and test year 2004 rate increases of \$237,400 (32.3%) and \$88,900 (9.1%) in Felton district, \$319,700 (20.6%) and \$70,700 (3.8%) in Larkfield district, and \$5,217,200 (32.2%) and \$1,104,000 (5.1%) in Sacramento district. The 2004 increases are deferred to 2005 in accordance with an earlier Commission order. CalAm's requests to combine districts are denied. CalAm's request to withdraw Application 02-09-033, its Montara district general rate case, is granted. This proceeding is closed.

(Comr Wood - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3130, Item 55 3/16/2004 (Lynch);

Agenda 3131, Item 51 4/1/2004 (Wood)

04/21/2004 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168271

57

[3348]

A02-11-044 - San Gabriel Valley Water Company.

This decision authorizes San Gabriel Water Company (Fontana Division) revenue increases of \$7.6 million or 23.7% for 2004, \$1.7 million or 4.6% for 2005, and \$1.7 million or 4.2% for 2006. The average residential customer's bill for 23 hundred cubic feet will increase from \$37.11 to \$46.24 per month. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

58

[3410]

A02-11-007 - Southern California Water Company

This draft decision bifurcates the issue of Folsom's water rights from the issue of SCWC's Section 851 application. The stay language in D04-04-018 is modified to reflect the bifurcation.

(Comr Peevey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170159

Regular Agenda - Water/Sewer Orders (continued)

88 (Rev.) A02-11-007 - Southern California Water Company (SCWC).

[3475]

This decision grants the petition to Modify D04-03-039. The petition to modify narrowly focuses on the issue of prospective water rights purchased by the City of Folsom in an agreement with the SCWC in 1994. This matter is added to the agenda pursuant to Government Code Section 11125.3(a)(2). (Comr Kennedy, Comr Peevey)

04/20/2004 - This item was not listed on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171241

Regular Agenda - Transportation/Rail Safety Orders**59**

[3387]

A03-05-039 - Professional Balloon Pilots Association of Napa County, Inc., et al. (hot air balloon operators).

P03-05-040 - Related matters. In these two proceedings, hot air balloon operators in California sought action by the Commission for relief from insurance requirements of General Order (GO) 120-C. Interim Decision D03-07-047 issued on July 22, 2003, provided a Modified Interim Plan intended to enable balloon operators to obtain insurance that complied with California law. Today's decision, following hearings ordered by the Commission, responds to the petition to amend GO 120-C and replaces the Modified Interim Plan authorized in D03-07-047. The Commission concludes that insurance complying with GO 120-C has now become available to balloon operators and, therefore, major revision of GO 120-C is unnecessary. Nevertheless, based on the evidence at hearing, the Commission makes permanent some of the relief put forward in D03-07-047 and adopts a recommendation by staff regarding insurance for property damage and injury to persons on the ground. The revisions to GO 120-C are intended to encourage other insurers to provide coverage to this important tourist-oriented industry. These proceedings are closed.

(Comr Kennedy - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171238

Regular Agenda - Transportation/Rail Safety Resolutions and Reports

60

Res TL-19040

[3360]

This resolution revises maximum rate tariff 4 (Max 4) to implement provisions of Assembly Bill 845.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168837

Regular Agenda - Other Utility Resolutions and Reports**61**

[3354]

Res ALJ 184

This resolution adopts an annual process for setting and updating hourly rates for use by intervenors in seeking compensation for substantially contributing to a Commission decision, as provided in the statutory intervenor funding program. The hourly rates that the Commission establishes through this process will govern intervenors and their representatives who have recently participated in Commission proceedings, and will provide guidance to other intervenors and representatives.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168717

Regular Agenda - Legislative Matters

- 62** **AB 1169 (Bermudez)**
[3368] Public utilities: telephone corporations; disposition of property.
Agenda 3131, Item 52 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171297
- 63** **AB 1981 (Wolk)**
[3369] Telecommunications: deaf and disabled telecommunications program.
Agenda 3131, Item 53 4/1/2004 (Staff)
- 64** **AB 2006 (Nunez)**
[3370] Electrical restructuring: Reliable Electric Service Act of 2004.
Agenda 3131, Item 54 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171256
- 65** **AB 2283 (Chu)**
[3371] State community social services telephone number system.
Agenda 3131, Item 55 4/1/2004 (Staff)
- 66** **AB 2419 (Campbell)**
[3372] Public utilities: judicial review.
Agenda 3131, Item 56 4/1/2004
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169856
- 67** **AB 2430 (Wiggins)**
[3373] Commercial air carriers: hot air balloons.
Agenda 3131, Item 57 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171265
- 68** **AB 2434 (Bates)**
[3374] Public Utilities Commission: railroad crossings.
Agenda 3131, Item 58 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169862

Regular Agenda - Legislative Matters (continued)

- 69** **AB 2505 (Maldonado)**
[3375] Public utilities: stocks and security transactions.
Agenda 3131, Item 59 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171263
- 70** **AB 2768 (Richman)**
[3376] Telecommunications: regulatory streamlining.
Agenda 3131, Item 60 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171296
- 71** **AB 2803 (Jerome Horton)**
[3377] Public Utilities Commission: Office of Economic Development.
Agenda 3131, Item 61 4/1/2004
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171260
- 72** **SB 1163 (Dunn)**
[3378] Utilities.
Agenda 3131, Item 62 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171262
- 73** **SB 1201 (Torlakson)**
[3379] Electrical restructuring: BART.
Agenda 3131, Item 63 4/1/2004 (Staff)
- 74** **SB 1488 (Bowen)**
[3380] Public Utilities Commission: public information.
Agenda 3131, Item 64 4/1/2004 (Staff)
- 75** **SB 1704 (Chesbro)**
[3381] Commercial air carriers: hot air balloons.
Agenda 3131, Item 65 4/1/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169863

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

- 76** **Conference with Legal Counsel - Applications for Rehearing**
 [3335] Compilation of applications for rehearing recently filed with the Commission.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 77** **A04-01-004 et al. - Conference with Legal Counsel - Application for Rehearing**
 [3357] Application for Rehearing and related Motion by SCE to file certain confidential materials under seal. Disposition of Application of Rehearing of Resolution E-3814, filed by The Utility Reform Network (TURN.) In this Resolution, the Commission approved Southern California Edison's (SCE) Advice Letter Filing 1680-E, which sought approval of the TrueSolar PPA and a new 5 MW central station solar photovoltaic facility to be constructed and operated by TrueSolar. Also disposes of related motion filed by SCE seeking confidential treatment of portions of the Response of SCE to TURN's application for rehearing.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3131, Item 69 4/1/2004 (Staff)
- 78** **A98-01-014 - Conference With Legal Counsel - Application for Rehearing**
 [3447] A95-06-002, A96-10-038, A02-12-027, A02-12-028 - Related matters. Disposes of the application for rehearing of D04-01-007 filed by San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas). D04-01-007 granted with modification SDG&E's and SoCalGas' petition for modification of D01-10-030, which deferred SDG&E's and SoCalGas' cost of service and Performance Based Ratemaking applications for one year and based them on a 2004 test year.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

79

[3409]

Conference with Legal Counsel - Initiation of Enforcement Proceeding

Deliberation on institution of proceeding on disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

- 80**
[3273] **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation**
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 81**
[3274] **FERC Docket No. RP00-241-006 - Conference with Legal Counsel - Existing Litigation**
Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 82**
[3419] **Case No. 03-1850 SI - Conference with Legal Counsel - Existing Litigation**
Pacific Bell v. CPUC, U.S. District Court for the Northern District of California, Case No. 03-1850 SI.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 83**
[3421] **Case Nos. 01-15531 & 01-15141, DC. No. C-97-3660-TEH - Conference with Legal Counsel - Existing Litigation**
Union Pac. R.R. Co., et al. v. Cal. PUC, et al. United States Court of Appeal for the Ninth Circuit, Case Nos. 01-15531 & 01-15141, DC. No. C-97-3660-TEH.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 84**
[3450] **FERC Docket No. RP04-33 - Conference with Legal Counsel – Existing Litigation**
East of California Shippers v. El Paso Natural Gas Company.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.